THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.No.24032 of 2007

Dated:15.11.2007

Between:
Pinnamaraju Usha.

..Petitioner.

and

The District Collector, West Godavari District, Eluru and others.

..Respondents.

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THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.No.24032 of 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare notification, dated 27.04.2007, issued by respondent No.1 under Section 4(1) of the Land Acquisition Act, 1894, whereunder an extent of Ac.5.70 cents of land in R.S.No.50/4B of Chebrolu village, Unguturu Mandal, West Godavari District is proposed to be acquired for a housing scheme.

A perusal of the averments contained in the affidavit filed in support of the writ petition along with the material shows that respondent No.1 issued notification dated 27.04.2007 under Section 4(1) of the Act and delegated the function of holding enquiry under Section 5-A of the Act to the Revenue Divisional Officer, Eluru. The main grievance of the petitioner is that the land, which is proposed to be acquired and belonging to her, is not suitable for raising any constructions and in support of this contention, she relies upon the letter, dated 28.06.2007, addressed by the Special Deputy Collector (L.A) GAIL (India) Ltd., Rajahmundry to the Revenue Divisional Officer, Eluru, West Godavari District, wherein it is

inter alia mentioned as under:

> "However, it has come to our notice that the land measuring Ac.5.70 cents in R.S.No.50/4B of Chebrolu(v) of Unguturu (M) has been notified u/s.4(1) of L.A.Act, 1894 for allotment of house sites for weaker sections in the reference 2nd cited. In this connection,
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> I am to inform you that the gas pipeline laid from Tatipaka to Kondapalli passes through S.No.50/4B of Chebrolu (v), in the reference 1st cited, the Mandal Revenue Officer has been categorically requested not to propose Zeroiti or Poramboke lands through which the pipe line passes, for house sites or for any public purpose as construction of permanent structures will cause damage to the pipe line which in turn endangers the public and live stock well.

However, the petitioner states that despite this letter and the specific objections filed by her in response to the notice issued under Section 5-A of the Act, the respondents are seeking to proceed further with the acquisition. Therefore, the present writ petition is filed by her.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader.

I am not inclined to deal with the writ petition on merits for the reason that the enquiry under Section 5-A of the Act has not yet been completed and declaration under Section 6 of the Act has not been issued so far. The respondents shall have to objectively consider the suitability of the land, which is sought to be acquired for constructing houses in view of the existence of gas pipeline in the same survey number in which the proposed land is located.

Therefore, this Writ Petition is disposed of with a direction

to respondent No.2 to consider and dispose of the objections raised by the petitioner in the light of the letter dated 28.06.2007 sent by the office of the Special Deputy Collector (LA) GAIL (India) Ltd., Rajahmundry. It is needless to state that till the completion of the enquiry, the petitioner's possession shall not be disturbed. No costs.

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C.V.NAGARJUNA REDDY, J

Dated:15.11.2007

sj